

REMARKS

Applicants appreciate the withdrawal of several rejections by the examiner. Herein, applicants have amended the specification and the claims in a manner consistent with the suggestions of the examiner. Support for the amendments can be found in paragraphs 0035-39, including Tables 2-4, paragraphs 0048 and 0068, and original claims 1, 5, 6 and 11. The amendment to the specification is specifically permitted by MPEP § 2163.06(III) (Rev. 2, May 2004). Claims 29-34 remain pending.

The written description rejection also is overcome by the amendment, and is supported by the term "reduced" and exemplification of cysteine concentrations of 0.04, 0.05 and 0.1 g/l. See MPEP § 2164.02 at 2100-188 (Rev. 2, May 2004).

Turning to the double patenting rejection, applicants first note that the captioned application is a divisional of the application leading to U.S. Patent No. 6,686,180. Claim 1 of the '180 patent is as follows:

1. A method of producing pertussis toxin, comprising

cultivating a *Bordetella* species in a media that comprises one or more salts selected from the group consisting of Ba salts, Sr (II) salts, Pb (II) salts and Ag (II) salts to eliminate or reduce pertussis toxin expression inhibitors; and

isolating the pertussis toxin from the media.

Although the present claims of the captioned application recite the use of salts, these claims also recite:

wherein the reduced concentration is 0.04 to 0.1 grams of cysteine per liter, thereby reducing the concentration of sulfate ions from the metabolism of cysteine....

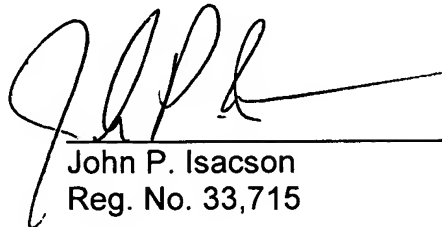
This recitation is according to Group III of the restriction requirement of October 24, 2004. Claim 1 of the contains recitations according to Group I of the restriction requirement. As explained by the examiner, Groups I and III are patentably distinct from one another, even if both contain a common element. See page 4, item 6 of the restriction requirement.

Applicants have presented claims in the captioned application and the '180 patent that are consonant with claim groups as restricted by the examiner. Accordingly, the '180 patent cannot be used as a basis to reject the present application claims on double patenting grounds. See MPEP § 804.01 (August 2001). Accordingly, applicants request withdrawal of the rejection.

Request

Applicants submit that the claims are in condition for allowance, and respectfully request favorable consideration to that effect. The examiner is invited to contact the undersigned at (202) 912-2000 should there be any questions.

Respectfully submitted,



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